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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,693

02/07/2006

Hendrik Anton Van Esveld

NL 030973

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10/31/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

WILLIAMS, JOSEPH L

ART UNIT

PAPER NUMBER

2879

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,693

Applicant(s)

VAN ESVELD ET AL.

Examiner

Joseph L. Williams

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/19.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

The amendment and response filed on 19 July 2007 has been entered and overcomes the rejections to the claims.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9, 10, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (US 5,994,839).

Regarding claim 1, Yamamoto ('839) teaches in figures 1-3 and the corresponding text, a high-pressure discharge lamp comprising: a discharge vessel (1) enclosing a discharge space (no number) which contains an ionizable filling, the discharge vessel (1) having a first and a second mutually opposed neck-shaped portion provided with a pair of electrodes (7a, 7b) arranged in the discharge space, each electrode being tubular over its entire length, at least one of the electrodes being directly coupled at an end not arranged in the discharge space, to a rod (19) which is coupled at a distal end to a current-supply conductor (20), a melting-ceramic joint (18) being provided between the current-supply conductor, the rod and a wall of the respective first and a second mutually opposed neck-shaped portions, thereby providing a gas-tight closure of the discharge space.

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Regarding claim 2, Yamamoto ('839) teaches the electrodes are free from coils in the discharge space.

Regarding claim 9, Yamamoto ('839) teaches the electrodes are made of tungsten.

Regarding claim 10, the amount of current is directed towards the operation of the lamp and is thus not germane to the structure. Thus, the amount of current limitation has not been afforded patentable weight.

Regarding claim 11, Yamamoto ('839) teaches the rod is made of molybdenum.

Regarding claim 12, Yamamoto ('839) teaches the current supply conductor is made from niobium.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (US 5,994,839) in view of White (US 3,558,964).

Regarding claim 3, Yamamoto ('839) teaches all of the claimed inventions except for the electrodes extending outside of the discharge vessel.

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Further regarding claim 3, White ('964) teaches in figure 1 a high-pressure discharge lamp comprised of, in part, the electrodes extending outside of the discharge vessel for the purpose of providing added support for the electrodes.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the extending electrodes of White in the lamp of Yamamoto for the purpose of providing added support for the electrodes.

Regarding claim 4, Yamamoto ('839) teaches the electrodes are each partially filled with a rod welded to a side of the electrodes facing away from the discharge space.

Regarding claim 5, Yamamoto ('839) teaches the rod extends into the discharge space.

Regarding claim 8, Yamamoto teaches all of the claimed limitations except for the claimed ratio between the electrodes and the neck portion.

Further regarding claim 8, White ('964) teaches in column 3, line 52+ that the ratio of the outer diameter d_{out} of the tubular electrodes and the inner diameter d_{nsp} of the neck-shaped portions is in the range:

$$0.8 \leq d_{out}/d_{nsp} \leq 0.95$$

for the purpose of improving the stability of the electrode.

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Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the electrode and neck portion ratio of White in the lamp of Yamamoto for the purpose of improving the stability of the electrode.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (US 5,994,839) in view of in view of Pollard (US 3,916,241).

Regarding claim 6, Yamamoto ('839) teaches all of the claimed inventions except for claimed electrodes sizes.

Further regarding claim 6, Pollard ('241) teaches that the ratio between the inner diameter d_{in} and the outer diameter d_{out} of the electrodes (3) is in the range:

$$0.2 \leq d_{in}/d_{out} \leq 0.8$$

for the purpose of improving the discharge of the lamp.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the electrode diameter of Pollard in the lamp of Yamamoto for the purpose of improving the discharge of the lamp.

Regarding claim 7, Pollard ('241) teaches that the inner diameter of the tubular electrodes is at least 20 micrometers.

The reason for combining is the same as for claim 6 above.

Response to Arguments

3. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

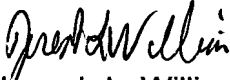
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (571) 272-2465. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joseph L. Williams
Primary Examiner
Art Unit 2879